

HellerEhrman
ATTORNEYS

275 Middlefield Road
Menlo Park, CA 94025-3506
Main: (650) 324-7000
Fax: (650) 324-0638

NOV 09 2005

Facsimile Transmittal

*Confidential and Privileged
Attorney-Client Communication*

To: Examiner Jehanne Souaya Sitton
U.S. Patent and Trademark Office
Alexandria, VA 22313-1450

Telephone:

Fax: 571-273-8300

From: David C. Foster
Telephone: (650) 324-7029

No. of Pages: 9 (including cover)
Date: November 9, 2005

39740-0005A

Re: U.S. Patent Application Serial No. 10/714,195
Filed: November 14, 2003
Title: GENE EXPRESSION PROFILING OF EGFR POSITIVE CANCER
Inventors: Baker, et al.
Our Reference: 39740-0005A

Dear Sir:

PLEASE DELIVER TO EXAMINER JEHANNE SOUAYA SITTON, GROUP NO. 1634

1. Transmittal
2. Preliminary Amendment

OFFICIAL FILING

Thank you.

CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.6(d))

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at the facsimile number set forth above.

Date: November 9, 2005

Sylvia Rogers

The information contained in this communication is intended only for the use of the addressee and may be confidential, may be attorney-client privileged and may constitute inside information. Unauthorized use, disclosure or copying is strictly prohibited, and may be unlawful. If you have received this communication in error or you have not received all pages, please call the sender immediately at (650) 833-7328.

Heller Ehrman White & McAuliffe LLP www.hewm.com

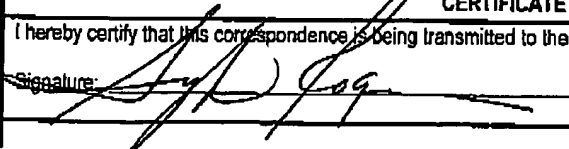
1 n (+) inside this box []

+

NOV 09 2005

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number		10/714,195
		Filing Date		November 14, 20023
		First Named Inventor		Joffe B. BAKER
		Group/Art Unit		1634
		Examiner Name		Sitton, Jehanne Souaya
Total Number of Pages in This Submission		39740-0005A		
ENCLOSURES (check all that apply)				
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Preliminary Amendment <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement with Form PTO-1449 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response To Missing Parts Under 37 CFR 1.52 Or 1.53 <input type="checkbox"/> Copy Of Notice		<input type="checkbox"/> Drawings <input type="checkbox"/> Statement under 3.73(b) <input type="checkbox"/> Assignment <input type="checkbox"/> Copy of Combined Declaration for Patent Application and Power of Attorney <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Status Claimed <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): Fax Cover Sheet		
Remarks		AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER.		
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT				
Firm or Individual name	HELLER EHRMAN LLP		DAVID C. FOSTER, REG. NO.: 44,685	
Signature	275 Middlefield Road, Menlo Park, California 94025		Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Date	November 9, 2005	Customer Number:	25213	
CERTIFICATE OF FACSIMILE TRANSMISSION				
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office via Facsimile on November 9, 2005.				
Signature: 				

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. SV 2166767 v1

RECEIVED
CENTRAL FAX CENTER

003

NOV 09 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner: Sitton, Jehanne Souaya
)	
Joffre B. Baker)	Art Unit: 1634
)	
Application Serial No. 10/714,195)	Attorney's Docket No. 39740-0005A
)	
Filed: November 14, 2003)	Customer No. 25213
)	
For: GENE EXPRESSION PROFILING)	
OF EGFR POSITIVE CANCER)	
)	
)	

DATE MAILED: November 9, 2005

PRELIMINARY AMENDMENT

MAIL STOP PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

Prior to substantive examination of the above-identified patent application (which is filed concurrently herewith), and prior to calculation of the filing fee, Applicants respectfully request the entry of the following amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.